

HOUSE BILL No. 1558

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-20.

Synopsis: Solid waste management. Allows the solid waste management board to adopt rules that include a simplified tracking or manifest system for waste generating, processing, treating, and disposing facilities. Makes numerous technical corrections to the law concerning solid waste management.

Effective: July 1, 1999.

Kruzan, Wolkins

January 19, 1999, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1558

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-20-7-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The department
3 shall evaluate the special waste certification process. As part of the
4 evaluation, the department shall consider a streamlined program for
5 special waste that takes into consideration continued improvements in
6 landfill design and operation.
7 (b) The department shall present draft rules regarding industrial
8 process, commercial, and pollution control wastes to the board for
9 consideration before December 1, 1996. The board shall adopt rules
10 that:
11 (1) require generators of spills from electric transformers to
12 certify to the landfill owner or operator receiving the waste for
13 disposal that the PCB content of the waste does not exceed fifty
14 (50) milligrams per kilogram on a dry-weight basis; and
15 (2) allow landfill owners and operators to discard special waste
16 manifests that are over three (3) years old and use an alternative
17 record keeping system that accurately and reliably reproduces the



information included on the manifests.

(c) The board may adopt rules that include the following:

(1) Elimination of the certification process for special wastes disposed of in landfills and incinerators that meet or exceed specified design and operating standards.

(2) A simplified notification, registration, and tracking **or manifest** system for waste generating, processing, treating, and disposing facilities.

(3) Standards for testing, screening, acceptance, handling, and disposal at landfills and incinerators.

(d) The department shall develop a task force that includes representatives of environmentalists and special waste generators, haulers, and disposal facilities to make recommendations to the board concerning the rules required under this section.

SECTION 2. IC 13-20-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.5. (a) A certificate of registration issued by the department under this chapter may be revoked or modified by the commissioner, or by a designated staff member of the department, after notification in writing is sent by certified mail to the holder of the certificate for:

(1) failure to disclose all relevant facts; ~~or~~

(2) **making** a misrepresentation ~~made~~ in obtaining the registration; or

~~(2)~~ (3) failure to correct, within the time established by the department:

(A) a violation of a condition of the registration; or

(B) a violation of this chapter or a rule adopted by the board under section 11 of this chapter.

(b) A person aggrieved by the revocation or modification of a certificate of registration may appeal the revocation or modification to the office of environmental adjudication under IC 4-21.5-7. Pending the decision resulting from a hearing under IC 4-21.5-3 concerning the revocation or modification, the registration remains in force. However, subsequent to revocation or modification, the commissioner may seek injunctive relief concerning the activity described in the registration.

SECTION 3. IC 13-20-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Except as provided in subsection (d)(2), (d)(3), ~~and~~ (d)(6), **and (d)(7)**, the waste tire management fund is established for the following purposes:

(1) Thirty-five percent (35%) of the money deposited in the fund each year shall be used to assist the department:

(A) in the removal and disposal of waste tires from sites where



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the waste tires have been disposed of improperly;

(B) in operating the waste tire education program under section 15 of this chapter; and

(C) to pay the expenses of administering the programs described in clause (B).

(2) Sixty-five percent (65%) of the money deposited in the fund each year shall be used to assist the department of commerce:

(A) in providing grants and loans to persons involved in waste tire management activities under section 9 of this chapter; and

(B) to pay the expenses of administering the programs described in clause (A).

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) Sources of money for the fund are the following:

(1) Fees paid under section 4(a)(6) of this chapter and IC 13-20-14-5(e).

(2) Fees collected under section 7 of this chapter. All money deposited in the fund under this subdivision may be used by the department for waste reduction, recycling, removal, or remediation projects.

(3) Costs and damages recovered from a person under section 14 of this chapter or IC 13-20-14-8. All money deposited in the fund under this subdivision may be used by the department for removal and remediation projects.

(4) Fees established by the general assembly for the purposes of this chapter.

(5) Appropriations made by the general assembly.

(6) Gifts and donations intended for deposit in the fund. A gift or donation deposited in the fund under this subdivision may be specified to be entirely for the use of the department or the department of commerce.

(7) Civil penalties collected under IC 13-30-4 for violations of:

(A) this chapter;

(B) IC 13-20-14; and

(C) rules adopted under section 11 of this chapter and IC 13-20-14-6.

All money deposited in the fund under this subdivision may be used by the department for waste tire removal and remediation projects.

SECTION 4. IC 13-20-14-5.6 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.6. (a) A certificate of registration issued by the department under this chapter may be revoked or modified by the commissioner, or by a designated staff member of the department, after notification in writing is sent by certified mail to the holder of the certificate, for:

- (1) failure to ~~(1)~~ disclose all relevant facts; ~~or~~
- (2) **making** a misrepresentation ~~made~~ in obtaining the registration; or
- ~~(2)~~ (3) **failure to** correct, within the time established by the department, a violation of:
 - (A) a condition of the registration;
 - (B) this chapter; or
 - (C) a rule adopted by the board under section 6 of this chapter.

(b) A person aggrieved by the revocation or modification of a certificate of registration may appeal the revocation or modification to the office of environmental adjudication under IC 4-21.5-7. Pending the decision resulting from a hearing under IC 4-21.5-3 concerning the revocation or modification, the registration remains in force. However, subsequent to revocation or modification, the commissioner may seek injunctive relief concerning the activity described in the registration.

SECTION 5. IC 13-20-22-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. Each month the department of state revenue shall deposit the following:

- (1) Not less than fifty percent (50%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the Indiana recycling promotion and assistance fund established in IC 4-23-5.5-14.
- (2) Not more than fifty percent (50%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the fund.
- (3) The revenue from the fee imposed under **section** 1(b)(2) of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 6. IC 13-20-22-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. If:

- (1) the:
 - (A) county executive of the county; or
 - (B) board of directors of the district;
 in which a final disposal facility is located has entered into an agreement concerning solid waste management with a governmental unit that is, or that is located within, a county that is contiguous to Indiana but within another state; and
- (2) the agreement provides for solid waste generated in that



1 governmental unit to be disposed of in the final disposal facility;
2 the fee imposed under this chapter upon the disposal in the final
3 disposal facility of solid waste generated in that governmental unit is
4 the fee set forth in **section** 1(b)(1) of this chapter, not the fee set forth
5 in section 1(b)(2) of this chapter.

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